

BYLAWS OF THE LITIGATION SECTION

(Amended by the Board of Governors, January 25, 2001)

§1. Name

This organization shall be known as the "Litigation Section of the State Bar of California," hereafter referred to as the Section.

(Source: Board of Governors' Resolution, July 1983.)

§2. Purposes and Duties

The purposes of the Section shall be (a) to further the knowledge of the members of the Section in all aspects of litigation whether before judicial, quasi-judicial or administrative tribunals and alternative dispute resolution; (b) to assist in the formulation, administration and implementation of programs, forums and other activities for the education of members of the State Bar in the area of litigation; (c) to assist, where approved by the Board of Governors of the State Bar of California, in the formulation, administration and implementation of legislation, contact with governmental agencies and other activities designed to assist members of the State Bar generally; (d) to act upon all matters germane to its purposes as so described or referred to it by the Board of Governors, and (e) to make recommendations to the Board of Governors.

(Source: Board of Governors' Resolution, July 1983.)

§3. Membership

a. Regular Members: The terms of membership in the Section shall be for a period of one (1) year commencing on the last day of the annual meeting. Upon request and upon payment of the prescribed fee, if any, for such yearly period, a member of the State Bar or judge of a court of record shall be enrolled as a member of the Section. Such fees may be prescribed by the Board of Governors and shall be paid into the treasury of the State Bar to be used for the purposes of defraying costs and expenses of the Section. Within the meaning of this section, the time intervening between successive annual meetings is deemed to be one (1) year.

b. Associate Members: Any individual, upon request and upon payment of the prescribed yearly fee, if any, shall be enrolled as an associate member of the Section.

Associate members shall have all the privileges of Section membership, except to hold office as an elected or appointed officer of the Section or of any committee of the Section, to become a member of the Executive Committee or to participate in the selection of officers or the nomination of members of the Executive Committee.

(Source: Board of Governors' Resolution, July 1983.)

§4. **Executive Committee**

- a. **Duties:** The Section shall be governed by an Executive Committee. The Executive Committee shall assist the Board of Governors in matters relating to the Section and all other matters referred to the Executive Committee by the Board of Governors. The Executive Committee shall supervise and direct the affairs and policies of the Section, subject to and in accordance with the bylaws, policies of the Board of Governors, the Rules and Regulations of the State Bar and the State Bar Act.
- b. **Members and Advisors:** The Executive Committee shall consist of fifteen (15) members appointed by the Board of Governors. The Board of Governors may in its discretion appoint to the Executive Committee persons nominated by the Section. Nominations for such appointments may be made by the Executive Committee acting as a nominating committee or by a petition signed by at least fifteen (15) members of the Section. Petitions for such nominations shall be submitted to the Executive Committee on or before June 1 of each year. Each member of the Executive Committee shall take an oath of office and shall receive no compensation for services.

The Executive Committee may from appoint up to ten nonvoting advisors to the Executive Committee, in the sole discretion of the Executive Committee, from among the members of the Section or state or federal judges in California. **Before August 31 of each year**, Advisors shall be nominated by a member of the Executive Committee and approved by the Executive Committee at a meeting duly called for the purpose of considering nominations for advisors. Following the meeting, the advisors shall be appointed by the chairperson-elect of the Executive Committee after the chairperson-elect confirms each advisor's availability and willingness to serve. Interim appointments of advisors to fill the remainder of a one-year term shall be made by the Executive Committee chairperson.

- c. **Term of Office and Removal:** Each year the Board of Governors shall appoint five (5) members to the Executive Committee (or such other number that results in an Executive Committee of fifteen (15) persons) for terms of three (3) years each, except that a member's term of office may be extended to serve as the chairperson or as the vice-chairperson or chairperson elect in a fourth year, or as the chair in a fifth year. Any vacancy in membership occurring prior to the normal expiration of the term shall be filled by the Board of Governors for the unexpired term.

Advisors shall be appointed for a term of one year, which may be renewed by the Executive Committee. Immediate past chairs will normally be appointed for at least two consecutive one year terms. Except in extraordinary situations, as determined in the safe discretion of the Executive Committee, advisors shall not serve more than five consecutive one year terms.

The term of office of each member of the Executive Committee and each advisor shall commence with the close of the Annual Meeting of the State Bar and continue until the close of the Annual Meeting the following year.

The officers may request that the Board of Governors remove any Executive Committee member or request that the Executive Committee remove any advisor who refuses or persistently fails to perform her or his duties, or if other good cause exists. After three unexcused absences from regularly scheduled meetings, any member of the Executive Committee and/or advisor will be deemed to have resigned. The Executive Committee shall recommend to the Board of Governors replacements for any such removed Executive Committee member.

- d. Meetings and Action Without a Meeting: Meetings of the Executive Committee may be called by the chairperson or by a majority of the members of the Executive Committee. Written notice of such meetings shall be mailed to members of the Executive Committee at least ~~five (5)~~ **ten (10)** days prior to such meeting **and shall be filed with the Office of the Executive Director/Secretary of the State Bar** or ~~shall be given by telephone or telegraph at least two (2) days prior to such meeting.~~ At meetings of the Executive Committee, the majority of its members shall constitute a quorum for the transaction of any business of the Executive Committee. **The Executive Committee shall meet at least 6 times per year.**

~~The Executive Committee may act without a meeting by a poll of its members. In such event, no less than eight (8) members must agree on any action taken. A poll of the members of the Executive Committee may be conducted by the chairperson by telephone, facsimile or mail.~~

Voting by proxy is not allowed. If a member cannot attend a meeting in person due to a ~~protracted~~ medical reason or some extenuating circumstance, the Executive Committee may vote to allow that member to attend the meeting and vote by telephone. The member seeking permission to vote in this manner must notify the chairperson or Section administrator ~~at least seven (7) days prior to the meeting. and the Executive Committee may vote prior to, or at the commencement of, the meeting at which the member seeks permission to attend by telephone.~~

Notwithstanding the provisions of this section, amendments of these bylaws shall be governed solely by the provisions of section ~~7~~ **8**, below.

(Source: Board of Governors' Resolution, July 1983, October 1994, January, 2001.)

§5. **Officers**

- a. Elections: On a date preceding the Annual Meeting of the State Bar and by the deadline set by the Board of Governors, the Executive Committee shall nominate a chairperson, vice chairperson and ~~secretary and treasurer~~ **secretary/treasurer** from among the committee members who, at the time of assuming such office, shall have served at least one year as a member of the Executive Committee.

The chairperson shall announce the nomination period thirty (30) days prior to consideration by the Executive Committee of officer candidates. At the time of the announcement, information on the duties of the officers and criteria for appointment shall be distributed to all members of the Executive Committee.

Nomination, including self-nomination, may be made in writing up to seven (7) days prior to the meeting at which the Executive Committee nominates the chairperson, vice-chairperson, ~~secretary and treasurer~~ **and secretary/treasurer**. The names of all candidates for consideration will be distributed prior to, or at the commencement of, the meeting at which the Executive Committee nominates and elects officers.

Only Executive Committee members present at the meeting may vote, except where voting by telephone conference is authorized. **A majority vote is required to elect an officer. If there are more than two candidates and a majority vote is not reached on any given ballot, the person receiving the least votes will be eliminated after each round until a majority vote is achieved.** The nominees for chairperson, vice-chairperson and secretary/treasurer will be recommended for appointment by the Board of Governors to those positions.

- b. Term: The chairperson, vice chairperson, ~~secretary and treasurer~~ **and secretary/treasurer** shall assume the duties of their respective offices at the close of the Annual Meeting of the State Bar following their appointment, and shall continue in office until their successors are appointed and assume office. In the event of a vacancy among the officers, the Executive Committee may recommend to the Board of Governors a successor to fill the unexpired term.
- c. Duties: The chairperson shall preside at all meetings of the Section and the Executive Committee and shall administer the affairs of the Section and Executive Committee subject to and in accordance with the State Bar Act, the *Rules and Regulations of the State Bar*, the policies of the Board of Governors and these bylaws.

The vice chairperson shall perform all the duties of the chairperson during the latter's absence or inability to act and, when so acting, shall have all the powers of the chairperson and be subject to all the restrictions upon the chairperson.

The ~~secretary~~ **secretary/treasurer** shall keep minutes of meetings of the Section and Executive Committee and annually review these bylaws. The ~~treasurer~~ **secretary/treasurer** shall **also** be responsible for presentation of the Section budget

and monitoring of expenditures, and shall submit periodic financial reports to the Executive Committee.

(Source, Board of Governors' Resolutions, July 1983, October 1994, January 2001.)

§6. Committees

- a. Standing Committees: The Executive Committee shall have the power to create standing committees from time to time to serve at the pleasure of the Executive Committee.
- b. Officers: Each standing committee shall have a chairperson and such other officers as may be required who shall serve under the direction of the Executive Committee chairperson. Standing committee officers shall have such powers and duties as the Executive Committee chairperson may from time to time determine. The chairperson and other officers of a standing committee shall have a term of one year, unless reappointed for one or more additional terms, commencing with the close of the Annual Meeting of the State Bar and continuing until the close of the Annual Meeting the following year. The chairperson and other officers of each standing committee shall be appointed by the Executive Committee chairperson-elect for service during his or her tenure as chairperson of the Executive Committee. Any vacancies that occur in the positions of chairperson or other officers of a standing committee as the result of resignation or removal from office shall be filled by appointment made by the Executive Committee chairperson for the remainder of the one-year term. The chairpersons and other officers of standing committees may be reappointed for one or more additional years in the sole discretion of the chairperson-elect each year.
- c. Ad Hoc Committees: The chairperson of the Executive Committee shall have the power, without the need for Executive Committee approval, to appoint such ad hoc committees as are necessary for the purpose of furthering the objectives of the Section.
- d. Members of the Committees: The members of the standing and ad hoc committees shall be selected from members of the Section and appointed by the chairperson of the standing committee. Members of the standing committees shall have a term of one year, commencing with the close of the Annual Meeting of the State Bar and continuing until the close of the annual meeting in the following year. Members of the committees may be reappointed for one or more additional years in the sole discretion of the chairperson of the standing committee.

(Source: Board of Governors' Resolution, July 1983, October 1994.)

§67. Section Meetings

- a. Meetings and Notices: There shall be a Section meeting at the time and place of the Annual Meeting of the State Bar. The Section may also hold such other meetings as may be called by the Executive Committee upon notice given to the members of the Section at least twenty (20) days prior to the meeting. Notice of meetings shall be given by mail or in an official publication of the State Bar.
- b. Quorum: The members of the Section present at any meeting shall constitute a quorum for the transaction of business.
- c. Rules of Order: All meetings of the Section shall be conducted in accordance with Robert's Rules of Order, Revised.

(Source: Board of Governors' Resolution, July 1983, January 2001.)

§ 78. Amendments to Bylaws

These bylaws may be amended by the Executive Committee by a two-thirds (2/3) vote of the Executive Committee's entire membership at a meeting duly called for the purpose of considering such amendment provided that no amendment shall take effect until approved by the Board of Governors. The bylaws and any amendments thereto shall be filed with the Secretary of the State Bar at its San Francisco Office.

(Source: Board of Governors' Resolution, July 1983, January, 2001.)